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Central Valley Region Water Quality Control Board
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Re: Tentative Cease and Desist Order for the Donner Summit PUD Wastewater Treatment Plant R5-2009 xxxx.

Attn: Diana Messina, Senior Engineer

I am writing in regards to the tentative Cease and Desist Order proposed by the Central Valley Region Quality Control Board.

After reading the order and the sorry history of the DSPUD, it appears that the Cease and Desist order is more of an enabling order – enabling the DSPUD to continue to grossly pollute the fragile resource of the South Yuba River and its headwaters.

There has been but a limited effort by the DSPUD to actually come into compliance with the 2002 C&D order. For that non-compliance the DSPUD is being rewarded with reduced compliance requirements in the proposed C&D order. This is unfair to the citizens of Nevada County, the many transient visitors to the area and the many PUD facilities around the state that make serious efforts to come into compliance with pollutant limits to effluent.

In this regard I ask that you consider a modification of the C&D order. The order should require that effluent that does not meet the legal requirement for ammonia and nitrates be trucked to a facility that is capable of treating the effluent to state standards before release into public waterways. I would allow a one year grace period in order that the DSPUD find alternate facilities that can handle the excess discharge.

While there may be grounds for some relaxation of standards in limiting the discharge of aluminum, manganese, copper, cyanide, aldrin, alpha BHC, silver, and zinc the time period for compliance should not exceed three years. Until such time as environmental studies have been conducted on the effects of land discharge of these pollutants, such discharge must be prohibited. During periods when stream discharge is prohibited, all effluent must be stored or transported to a facility that is capable of handling the effluent.

Jerry Bloom, comments on the DSPUD Cease and desist order

Since the nearest stream gaging station is 10 miles downstream from the DSPUD discharge there can be no supportable studies for permitting dilution credits for the DSPUD for limits on ammonia and nitrates. Until such a time that stream flow data has been collected and analyzed, dilution credits must not be allowed. If dilution credits are to be allowed in this case, then the DSPUD must pipe the effluent to a point below the location of the gaging station where there is supportable data for allowing dilution credits.

Stream flow monitoring at the point of discharge should be required. Minimum stream flow volumes below which stream discharge should be prohibited must be established regardless of the month. Alternative disposal methods must be established for the periods when stream flow is below the established limits.

It should be noted that from June 2007 to June, 2008 violations of discharge requirements occurred daily for fully 6 months in the thirteen month period in which monitoring was conducted - June, July, October, November, December (2007), and June 2008. Maximum penalties for these violations could have been as high as \$316,780,000 (ADMINISTRATIVE CIVIL LIABILITY COMPLAINT R5-2008-0626). Actual penalties were significantly reduced and the DSPUD was allowed to use the penalties to upgrade the facility to come into compliance. In light of the continuing violation of discharge standards it is not unreasonable to demand compliance of current discharge limits within a short time frame such as one year.

The State Water Board has made a determination that the community served is a population with financial hardship [CWC section 13385(k)(2)], a designation which minimizes the consequences of irresponsible behavior such as exceeding waste discharge standards. Most of the dwellings served are either second homes or resort facilities. It is hard to fathom how this type of community would not have the resources to fund a waste disposal facility that could comply with waste discharge standards. While the current order may not have any discretion over the inappropriate financial hardship designation, it is certainly within the scope of the regulator to consider the nature of the community in the determination of the appropriate time frame for compliance and in a determination to not allow the community to exceed current regulatory standards.

I do not dismiss lightly the problems associated with running a facility that has to meet the peak demands of the community served when demand fluctuates greatly depending on the day. Such a consideration should have been taken into account at the original development stage and an appropriate system designed. That such forethought was not considered in plant design should not allow this community to continue to disrupt a significant resource such as the South Yuba River and its headwaters. It is my hope that there be sufficient planning of all of the consequences of waste disposal for a recreational community be considered before any expansion of the community be allowed. At the very least, there should be no further building permits issued until the treatment facility comes into compliance with current waste discharge requirements.



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